

2013–2014 STAAR Decision-Making Guide for LPACs

Overview

This Texas Education Agency (TEA) publication is designed to guide language proficiency assessment committees (LPACs) in making assessment and accommodation decisions for English language learners (ELLs) participating in the State of Texas Assessments of Academic Readiness (STAAR) program.

The procedures in this publication implement the ELL assessment requirements in Chapter 39 of the Texas Education Code (TEC) and Chapter 101, Subchapter AA, Division 1, of the Texas Administrative Code (TAC). The TEC and TAC are accessible from the A–Z index of the TEA website at <http://www.tea.state.tx.us>. The regulations require LPACs to make assessment decisions in accordance with administrative procedures established by TEA. In fulfilling their responsibilities, LPACs must

- adhere to the administrative procedures in this guide,
- make assessment decisions on an individual student basis,
- work as a committee to make decisions, and
- maintain required documentation.

The role LPACs have in making assessment decisions for ELLs supports appropriate implementation of both the content area Texas Essential Knowledge and Skills (TEKS) and the Texas English Language Proficiency Standards (ELPS). In Section 74.4 of the TAC, the ELPS require all teachers of ELLs to incorporate the teaching of English in daily content area instruction and to linguistically accommodate (communicate, sequence, and scaffold) the instruction according to the English language proficiency levels of their ELLs. These requirements help ELLs learn English and engage more meaningfully in the learning of subject matter.

The ELPS go a step further for ELLs who are at the **beginning or intermediate level** of English language proficiency. Students who do not proceed quickly through these levels are at particular risk of falling behind academically and having difficulty catching up once they reach higher proficiency levels. The ELPS require districts to provide intensive, focused, and systematic second language acquisition instruction designed specifically to build the foundation of English vocabulary, grammar, and syntax that these students vitally need to get beyond the intermediate level.

This guide's procedures, in that they help campuses regularly monitor the progress of ELLs and the linguistic supports the students are receiving, assist districts in ensuring effective implementation of both the TEKS and ELPS.

Education service centers are required to provide school districts with annual training on LPAC procedures for making ELL assessment and accommodation decisions.

Test Participation Decisions

The STAAR program encompasses STAAR, STAAR Spanish, STAAR L, STAAR Modified, and STAAR Alternate. The STAAR program for grades 3–8 includes assessments of mathematics, reading, writing, science, and social studies. STAAR end-of-course (EOC) assessments are available for Algebra I, biology, English I, English II, and U.S. history. More information about the STAAR program may be accessed at <http://www.tea.state.tx.us/student.assessment/staar>.

In 2013–2014, STAAR will be administered to students first enrolled in grade 9 or below in the 2011–2012 school year.

In 2013–2014, TAKS will be administered to any student for whom TAKS is a graduation requirement. The *2013–2014 TAKS Decision-Making Guide for LPACs* may be found at <http://www.tea.state.tx.us/student.assessment/ell/lpac>.

LPACs must make and document test participation decisions in accordance with STAAR program requirements.

ELL Participation in STAAR

STAAR	<ul style="list-style-type: none"> General statewide assessment Taken by ELLs not administered an assessment below Some linguistic accommodations permitted
STAAR Spanish	<ul style="list-style-type: none"> Available for students in grades 3–5 for whom a Spanish version of STAAR most appropriately measures their academic progress Not permitted for an ELL whose parent or guardian has declined bilingual/ESL program services Linguistic accommodations not permitted because students testing in native language
STAAR L*	<ul style="list-style-type: none"> Linguistically accommodated STAAR mathematics, science, and social studies assessments Available for ELLs who <ul style="list-style-type: none"> are not most appropriately assessed with STAAR Spanish, AND have not yet attained a TELPAS advanced high reading rating in grade 2 or above, AND have been enrolled in U.S. schools for 3 school years or less starting with first grade (5 school years or less if a qualifying unschooled asylee or refugee) Not permitted for an ELL whose parent or guardian has declined bilingual/ESL program services More substantial linguistic accommodations permitted than for STAAR
STAAR Modified	<ul style="list-style-type: none"> Available for students receiving special education services (including a small number who are also ELLs) who meet participation requirements for an alternate assessment based on modified achievement standards Participation requirements found at http://www.tea.state.tx.us/student.assessment/special-ed/staarm/partregs More substantial and varied linguistic accommodations permitted than for STAAR or STAAR L
STAAR Alternate	<ul style="list-style-type: none"> Available for students receiving special education services (including a small number who are also ELLs) who meet requirements for an alternate assessment based on alternate achievement standards Participation requirements found at http://www.tea.state.tx.us/student.assessment/special-ed/staaralt/partregs No specified list of allowable linguistic accommodations; classroom-based observational assessment design allows for any language or other communication method routinely used with the student

*For STAAR L EOC assessments, eligibility can be carried over from spring to the July and December administrations.

In making assessment decisions, keep the following points in mind:

- LPACs are responsible for obtaining the necessary information from the individual student's teachers. In determining whether students meet the participation requirements, decisions must be made on an **individual** student basis.
- STAAR Spanish, in addition to being appropriate for students in bilingual programs who are receiving most of their academic instruction in Spanish, may sometimes be appropriate for an ELL in an ESL program.

Examples:

- a Spanish speaker who has recently moved to the U.S.
- an ELL who recently moved from a campus with a Spanish bilingual education program to a campus with only an ESL program
- a student in an ESL program who receives substantial academic support in Spanish

- LPACs are required to determine and document the number of school years in which an ELL has been enrolled in a U.S. school. This information, which is reported to TEA in conjunction with the Texas English Language Proficiency Assessment System (TELPAS), is used in TELPAS reporting, STAAR assessment decisions, and accountability and performance-based monitoring measures. It is vital that LPACs follow state-defined policies and procedures to determine and annually document this important data element. See the TELPAS section of the LPAC Assessment Resources webpage at <http://www.tea.state.tx.us/student.assessment/ell/lpac> for instructions.
- In the case of an ELL who receives special education services, the LPAC is responsible for working in conjunction with the student's admission, review, and dismissal committee (ARD) to make and document assessment participation decisions. The decision may be made by key members of each committee if necessary.
- It is recommended that final assessment and linguistic accommodation decisions not be made until close to the time of the test administration in order to take into account the student's progress in learning English.
- See page 6 for information about students who qualify as unschooled asylees or refugees.

Linguistic Accommodation Decisions

The linguistic accommodation policies for STAAR, STAAR L, and STAAR Modified differ. The policies are described in the TEA guide titled *Linguistic Accommodations for ELLs Participating in the STAAR Program*, which is available on the Accommodation Resources page at <http://www.tea.state.tx.us/student.assessment/accommodations>.

LPACs are responsible for

- making linguistic accommodation decisions for ELLs in accordance with the TEA policies described in this guide and the linguistic accommodation guide above, and
- maintaining required documentation of the decisions.

As indicated in the linguistic accommodation guide, the types of accommodations that are most suitable change as ELLs learn English, and the degree of need for particular accommodations lessens. The ELPS require all teachers to linguistically accommodate the instruction of ELLs in their classes commensurate with the students' English language proficiency levels. This calls for teachers to monitor and adjust linguistic accommodations as ELLs learn more English. Doing so supports the learning of both subject matter and English.

While some accommodations may be appropriate for instructional use, they may not be appropriate or allowable on a statewide assessment. Providing unfamiliar or inappropriate linguistic accommodations during statewide assessments may hinder rather than help a student. LPACs are responsible for coordinating with the subject area teachers of ELLs to make linguistic accommodation decisions in accordance with the eligibility criteria in the linguistic accommodation guide.

An ELL whose parent or guardian has declined bilingual/ESL program services is **not** eligible for linguistic accommodations.

For an ELL with a disability, the LPAC is responsible for making and documenting linguistic accommodation decisions in conjunction with the student's ARD committee or Section 504 placement committee, as applicable.

LPACs are required to work in conjunction with the applicable committee in making both linguistic accommodation decisions and accommodation decisions related to the student's disability. This collaboration helps ensure that factors related to disabling conditions and second language acquisition are both carefully considered. Detailed information about accommodations for students with disabilities may be found at <http://www.tea.state.tx.us/student.assessment/accommodations>.

Decisions about Exemptions

Section 101.1005 of the TAC allows the exemption of certain qualifying ELL asylees and refugees from being administered a STAAR assessment in grades 3-8.

Exemptions

As indicated in an Amendment to 19 TAC §101.1005, an ELL who meets the eligibility criteria below shall not be required to take a STAAR assessment in grades 3-8.

Eligibility Criteria

This exemption applies to an ELL who—

- qualifies as an unschooled asylee or refugee
- is in the first year of enrollment in U.S. schools, and
- is in grades 3-8.

Decisions about Special English I EOC Provision

Section 101.1007 of the TAC makes a special English I EOC provision for ELLs served in bilingual/ESL programs who meet specified eligibility criteria.

Special English I EOC Provision

As indicated in 19 TAC §101.1007, an ELL who meets the eligibility criteria below shall not be required to retake the assessment each time it is administered if the student passes the course but fails to meet standard on the assessment.

Eligibility Criteria

This provision applies to an ELL enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course if the ELL —

- has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, and
- has not attained a TELPAS advanced high reading rating in grade 2 or above.

An ELL whose parent or guardian has declined bilingual/ESL program services is **not** eligible for this provision.

This provision acknowledges the unique circumstances of specific ELLs whose ability to engage with high school English language arts course material, due to limited time in the U.S. and limited time to learn English, depends on instructional scaffolding, including linguistic accommodations and adaptations, that cannot be provided during the standardized English I EOC assessment.

LPACs should maintain documentation of eligibility for the special provision. Eligibility must be determined in conjunction with the student's enrollment in English I/ESOL I.

Note that students who are eligible for the special provision do have the **option** of retaking the assessment.

Documentation of Decisions

For each ELL, the LPAC must maintain documentation of STAAR participation and accommodation decisions in the student's permanent record file.

- If the ELL receives special education services, documentation must also be maintained by the ARD committee in the student's individualized education program (IEP).
- If the ELL has a Section 504 placement committee, documentation of accommodation decisions must also be maintained by the placement committee in the student's individual accommodation plan (IAP).

Each committee must document the decisions for **both** linguistic accommodations and accommodations related to the student's disability.

The sample forms that follow (in Microsoft Word format) are provided to assist LPACs in meeting documentation requirements. The forms are available on the LPAC Assessment Resources webpage at <http://www.tea.state.tx.us/student.assessment/ell/lpac>. LPACs may modify or reformat the forms as long as all components of required state documentation are included. School districts may require additional supporting documentation and evidence.

STAAR Participation and Linguistic Accommodation Decisions

This form may be used by the LPAC to document and justify STAAR participation decisions and to record linguistic accommodation decisions, as required by Section 101.1005 of the TAC. In addition to keeping this form in the student's permanent record file, the LPAC may provide a copy of Part II of the form to the testing coordinator to ensure that the student is administered the correct test and provided the correct linguistic accommodations.

PART I: Documentation and Justification of STAAR Participation Decisions

Keep the following in mind when completing the table in Part I of the form:

- For STAAR Spanish and STAAR L, the justifications must specifically relate to the participation requirements and must specifically validate the assessment decision.
- For STAAR L, supporting evidence must include the student's TELPAS reading results from prior years as well as the official record of the student's number of school years of enrollment in U.S. schools as reported for TELPAS.
- For STAAR, it is enough to include a general statement such as, "The LPAC has determined STAAR to be the most appropriate assessment" or "The student does not meet participation requirements for other assessments."
- For STAAR Modified or STAAR Alternate, forms detailing the participation requirements for these assessments are completed by the ARD committee. For an ELL for whom STAAR Modified or STAAR Alternate is appropriate, LPAC documentation of the justification (using the sample form provided by TEA or a similar form) may include a statement such as, "Based on LPAC and ARD committee review of the [insert STAAR Modified or STAAR Alternate, as applicable] participation requirements, the student meets the requirements for reasons specific to the student's disability. Attached is a copy of the completed TEA form for determining eligibility." Second language acquisition is not a factor in determining eligibility for these assessments. The STAAR Modified and STAAR Alternate forms may be found at
 - <http://www.tea.state.tx.us/student.assessment/special-ed/staarm/partreqs>
 - <http://www.tea.state.tx.us/student.assessment/special-ed/staaralt/partreqs>

PART II: Record of Test Participation and Linguistic Accommodation Decisions for STAAR Program

The table in Part II may be used by the LPAC to document the student's linguistic accommodation decisions for each subject or course assessed.

- Part II can be used to document the type of dictionary to be provided to the ELL as a linguistic accommodation. Even for reading and writing assessments for grade 6 and above, for which dictionary access must be provided for all students, it may be useful to indicate the type of dictionary or dictionaries to be used by the ELL and whether shared or exclusive access is appropriate.

- The teacher's signature on this page affirms that the student's linguistic accommodations are based on the student's second language acquisition needs and routine use in classroom instruction and testing.

STAAR Eligibility for Special English I EOC Provision

This form may be used by the LPAC to document eligibility of the ELL for the special English I EOC provision. This form should be kept in the student's permanent record file. A copy should also be provided to the campus testing coordinator.

Communicating Assessment Decisions

LPACs are responsible for providing STAAR assessment coordinators with assessment and linguistic accommodation information for ELLs in time for appropriate testing arrangements to be made.

Qualifying as an Unschooled Asylee or Refugee

To qualify as an unschooled asylee or refugee, each of the following criteria must be met:

- The student must be identified as limited English proficient (LEP) as defined by state law in TEC, Section 29.052, and must participate in a state-approved bilingual or ESL program.
- The student's permanent record file must contain appropriate documentation of asylee/refugee status. The student must
 - be an asylee as defined by 45 Code of Federal Regulations, Section 400.41 or a refugee as defined by 8 United States Code, Section 1101, *and*
 - have a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum."

Note that the LPAC Assessment Resources webpage includes a TEA form that may be used in the rare case that a campus has compelling evidence of a student's asylee or refugee status but is unable to obtain official documentation by the time of the applicable test administration.

- The student's permanent record file must document that
 1. the student had little or no formal schooling outside the U.S. and lacked basic primary language literacy upon enrollment in school in the U.S.; *and*
 2. the student is being provided linguistic accommodations and other ongoing interventions by the district to meet the student's unique affective, linguistic, and cognitive needs; *and*
 3. as of the semester of the test administration, the student continues to lack the necessary foundation in the TEKS as a direct result of the student's inadequate schooling outside the U.S.

An ELL who qualifies as an unschooled asylee or refugee may be given STAAR L or be eligible for the special English I EOC provision during the student's fourth or fifth school year of enrollment in a U.S. school if all other requirements for this assessment provision are met. Refer to the *Decisions about Exemptions* section on page 4 of this document for information about unschooled asylees or refugees in their first year in U.S. schools.

Questions and Answers about Qualifying as Unschooled Asylees and Refugees

1. ***In determining how long an asylee or refugee has been in U.S. schools, do we go by the arrival date on the Form I-94 Arrival/Departure record or the student's first school year of enrollment in U.S. schools?***

Follow the instructions for the Years in U.S. Schools data collection for TELPAS. In accordance with this data collection, start with the student's first school year of enrollment in U.S. schools but do not include enrollment in a U.S. school prior to grade 1.

2. ***From whom should a school district obtain documentation of a student's asylee/refugee status?***

Documentation should come from the parent or legal guardian (or student if 18 or older). If applicable, a resettlement agency or other social services provider that assisted the student at the time of initial enrollment in U.S. schools may be contacted for possible assistance with this process.

3. ***Can a student's green card (lawful permanent residence card) be used in place of a Form I-94 if the card indicates the student's asylee or refugee status?***

Yes. A green card containing this information is an example of a "successor document" authorized by 19 TAC, Section 101.1010 (a)(2), which states that the student must have "a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with 'Asylee,' 'Refugee,' or 'Asylum.'" A code indicating status as a refugee (RE6, RE7, RE8, or RE9) or asylee (AS6, AS7, or AS8) must appear on the card. In rare cases, other forms of documentation are issued, such as a judge's order or determination by the Board of Immigration Appeals decision. To determine whether a document other than Form I-94 or a green card is acceptable, contact the Office of Immigration and Refugee Affairs at the Texas Health and Human Services Commission (HHSC) at 512-206-5172. Specific written documentation must be maintained in the student's permanent record file verifying the determination by HHSC that the form of documentation available to the district is acceptable.